

REMARKS/ARGUMENTS

Claims 1-32 are pending in this application. Claims 1, 19, 27 and 30 are independent claims. Reconsideration and allowance of the present application are respectfully requested.

Claim Rejections under 35 U.S.C. §102(c) – Siorpaes

Claims 1-3, 5-10, 12-15, 19-23, and 27-30 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication No. 2005/0080884 to Siorpaes et al. (hereinafter "Siorpaes"). Applicants respectfully traverse this rejection, as detailed below.

MPEP §2131 sets forth the standard for a 35 U.S.C. § 102 rejection:

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *MPEP §2131* (quoting *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). "The identical invention must be shown in as complete detail as is contained in the . . . claim." *Id.* (quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1051, 1053 (Fed. Cir. 1987)).

In addition, "the reference must be enabling and describe the applicant's invention sufficiently to have placed it in possession of a person of ordinary skill in the field of the invention." *In re Paulsen*, 30 F.3d 1475, 1479, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994).

The 35 U.S.C. § 102(e) anticipation rejection of claims 1-3, 5-10, 12-15, 19-23, and 27-30 is improper because the rejection does not meet all of the above criteria for the reasons and explanations set forth below.

Applicant submits that Siorpaes fails to teach or suggest at least the claimed feature of "establishing a second Transfer Control Protocol/Internet Protocol (TCP/IP) network connection through the second protocol link, using the designated IP address for the wireless device," as recited in claim 1, and similarly recited in claims 19, 27 and 30. In the rejection, the Examiner points to paragraph [100] of Siorpaes as disclosing the above feature. Here, Siorpaes states:

[0100] Inter-Subnet homogeneous roaming is somewhat more complex: level two roaming is again performed by the bearer as before, but there is now the need to re-configure the client's IP address in order to be able to communicate within the new subnet. A new IP address therefore has to be assigned automatically to the mobile

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terminal MT. While a new IP address allows communication towards the new subnet, the end-to-end IP communication between the mobile terminal MT and the server 10 is severely affected, since applications cannot have knowledge of the mobile's IP address change, neither at the mobile side nor at the server side. In this case IP connectivity is lost and running applications must be restarted in order to communicate with the new IP address. Solutions that are able to maintain the same mobile terminal IP address even when performing Inter-Subnet roaming should preferably be found.

Applicant notes that this paragraph is directed to "Inter-Subnet homogeneous roaming," i.e., roaming between two access points of the same wireless protocol technology that serve a common IP subnet. In contrast, claim 1, for example, is directed to a method for selecting a wireless device network communication link to a destination host through one of a plurality of available wireless protocol links. Claim 1 recites communicating through a first protocol link and subsequently "establishing a second Transfer Control Protocol/Internet Protocol (TCP/IP) network connection through the second protocol link, using the designated IP address for the wireless device." The system pointed to by the Examiner in Siorpaes merely establishes a second network connection using the same wireless protocol link (i.e., homogeneous roaming). Accordingly, the present rejection fails to show communication under both a first and second protocol.

Furthermore, the rejection of claim 19 is improper for failing to address each and every element claimed. Claim 19 explicitly recites "a Control Center configured to manage mapping of network addresses to replace the first wireless protocol link with another protocol link from the available protocol links." The Examiner states that "[r]egarding claims 19, 27, and 30, the limitations are rejected as applied to claim 1." (See Final Office Action at pg. 5.) However, claim 1 makes no mention of a Control Center or mapping of network addresses, nor does the rejection of claim 1 independently address such features. Moreover, in the rejection of claims 16-18, 24-26, 31, and 32 under 35 U.S.C. § 103(a), the Examiner acknowledges that Siorpaes "does not explicitly disclose generating a mapping table for mapping the wireless device to the first protocol [or] updating the mapping table to map the wireless device to the second protocol." (See Final Office Action at pgs. 6-7.) Applicant fails to see how Siorpaes can teach mapping network addresses without generating a mapping table.

Similarly, the Examiner alleges that Siorpaes teaches "wherein establishing a first network connection includes mapping the second network address to the first network address," as recited in claim 9, and "wherein establishing a second network connection includes mapping

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the second network address to the third network address,” as recited in claim 15, while acknowledging elsewhere that Siorpaes fails to teach generating a mapping table.

Thus, Applicants submit that Siorpaes fails to teach or suggest all the features of independent claims 1, 19, 27 and 30. Independent claims 1, 19, 27 and 30 are thus allowable over Siorpaes. In addition, dependent claims 2-3, 5-10, 12-15, 20-23, and 28-29 are similarly allowable over Siorpaes at least for their dependence from an allowable base claim.

Therefore, Applicants respectfully request that this rejection of claims 1-3, 5-10, 12-15, 19-23, and 27-30 under 35 U.S.C. §102 be withdrawn.

Claim Rejections under 35 U.S.C. § 103(a) – Siorpaes in view of Dorenbosch

Claims 16-18, 24-26 and 31-32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Siorpaes in view of U.S. Patent Publication No. 2004/0028009 to Dorenbosch et al. (hereinafter “Dorenbosch”). Applicants respectfully traverse this rejection, as detailed below.

In addition to the deficiencies of Siorpaes noted above, Applicant submits that Siorpaes and Dorenbosch are not properly combinable. As pointed out by the Examiner in paragraph [0067] of Siorpaes, Siorpaes relies on a TCP transport protocol for IP traffic. Dorenbosch, in contrast is directed to a stream control transmission protocol (SCTP), which is used to manage streaming applications in IP networks. (See, e.g., Abstract of Dorenbosch.) Whereas TCP is stream-oriented, i.e., transports byte streams, SCTP is transaction-oriented, meaning it transports data in one or more groups of bytes (“messages”) per transaction. TCP is concerned only with bytes and does not honor message boundaries, i.e., the structure of data in terms of their original transmission units at the sender. SCTP, in contrast, conserves message boundaries by operating on whole messages such that a group of bytes sent in one transmission operation (transaction) is read exactly as that group at the receiver.

As stated in MPEP § 2143.01, if the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). Further, if the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims prima facie obvious. *In re Ratti*, 270 F.2d

810, 123 USPQ 349 (CCPA 1959). Clearly, using SCTP taught by Dorenbosch in Siorpaes would not be operable and would at least “change the principle of operation” of Siorpaes.

Additionally, Dorenbosch teaches in using SCTP that two IP addresses are used for the wireless device to enable the two connections. In contrast, Applicants’ claimed invention includes the feature that the wireless device uses the same designated IP address for both the first link and second link. It is also a well known tenet of U.S. patent law that a reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention as it is improper to combine a reference in a 35 U.S.C. § 103(a) obviousness rejection where the reference teaches away from the claimed invention. *See W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984). *See also* MPEP § 2141.02.

Accordingly, Siorpaes in view of Dorenbosch cannot render obvious, under 35 U.S.C. §103(a), Applicants’ invention as presently claimed in independent claims 1, 19, 27, and 30. The nonobviousness of independent claims 1, 19, 27, and 30 also precludes the rejections of claims 16-18, 24-26 and 31-32, which depend variously therefrom, because a dependent claim may not be rejected as obvious if the independent claim from which it depends is nonobvious. *See In re Fine*, 5, USPQ.2d 1596, 1600 (Fed Cir. 1988), *see also* MPEP § 2143.03.

Therefore, Applicants respectfully request that this rejection of claims 16-18, 24-26 and 31-32 under 35 U.S.C. § 103(a) be withdrawn.

Claim Rejections under 35 U.S.C. § 103(a) – Siorpaes in view of Jones

Claim 4 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Siorpaes in view of U.S. Patent No. 6,879,600 to Jones (hereinafter “Jones”). Applicants respectfully traverse this rejection, as detailed below.

Jones as applied fails to cure the deficiencies of Siorpaes, as discussed. Therefore, the patentability of independent claim 1 set forth above precludes a rejection of claim 4 depending therefrom, because a dependent claim may not be rejected as obvious if the independent claim from which it depends is nonobvious. *See In re Fine*, 5, USPQ.2d 1596, 1600 (Fed Cir. 1988), *see also* MPEP § 2143.03.

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Therefore, Applicants respectfully request that this rejection of dependent claim 4 under 35 U.S.C. § 103(a) be withdrawn.

Claim Rejections under 35 U.S.C. § 103(a) – *Siorpaes in view of Rawson*

Claim 11 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Siorpaes in view of U.S. Patent Publication No. 2002/0078187 to Rawson (hereinafter “Rawson”). Applicants respectfully traverse this rejection, as detailed below.

Rawson as applied fails to cure the deficiencies of Siorpaes, as discussed. Therefore, the patentability of independent claim 1 set forth above precludes a rejection of claim 11 depending therefrom, because a dependent claim may not be rejected as obvious if the independent claim from which it depends is nonobvious. See In re Fine, 5, USPQ.2d 1596, 1600 (Fed Cir. 1988), see also MPEP § 2143.03.

Therefore, Applicants respectfully request that this rejection of dependent claim 11 under 35 U.S.C. § 103(a) be withdrawn.

CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, at the telephone number listed below.

Serial No. 10/763,289

Docket No. 020478

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Deposit Account Authorization

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

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